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Violations of Basic Rights of Prisoners In Conventional and Islamic Law: Theory and Practice

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Abstract: In jails, the prisoners are often maltreated by the jail authorities. They are abused, and, their fundamental rights as human beings are frequently violated. Although laws upholding the rights of prisoners are plenty, unfortunately, these seem ineffective in preventing the abuse of prisoners in jails. This paper examines the problems of jailed prisoners in general and highlights their violations of human rights. In particular, this paper discusses sexual abuse of prisoners, their mental and physical tortures, and enforcement of prison labour laws. The paper also focuses on overcrowding in jails, inadequate educational facilities for prisoners and poor health care facilities. This article analyses these issues from the perspectives of Islamic Law and attempts to provide a conceptual frame work of solutions. An analytical approach is employed in this study.

Keywords: Prison, right of the prisoner, human rights, International law, Islamic law

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Abstrak: Di dalam penjara, tahanan penjara sering dilayan dengan tidak baik oleh pihak berkuasa penjara. Mereka didera, dan hak asasi sebagai manusia seringkali dilanggar. Walaupun terdapat banyak undang-undang yang mendokong hak asasi tahanan penjara, namun demikian, undang-undang tersebut dilihat tidak berkesan dalam menghalang penderaan terhadap tahanan penjara di dalam penjara. Kertas ini meneliti masalah-masalah tahanan penjara secara umum dan memberikan fokus kepada pelanggaran hak asasi mereka. Secara spesifik, kertas ini membincangkan mengenai penderaan seksual terhadap tahanan penjara, penderaan mental dan fizikal, dalam penguatkuasaan undang-undang berkaitan kerja tahanan penjara. Kertas ini juga memberikan fokus tentang kesesakan di dalam penjara, kemudahan pendidikan yang tidak mencukupi untuk tahanan penjara dan kemudahan perubatan yang lemah. Artikel ini melaksanakan analisis terhadap isu-isu yang dibangkitkan ini daripada perpektif undang-undang Islam dan cuba untuk menyediakan rangka kerja berkonsep sebagai langkah penyelesaian. Pendekatan beranalisis turut digunakan dalam kajian ini.

Kata kunci: Penjara, hak banduan, hak asasi manusia, undang-undang antarabangsa, undang-undang Islam.

Introduction

Generally, public and legal institutions look at prisoners differently. The people who are usually imprisoned in prisons might be criminals in the sight of law, but the people are unlikely to realize that the prisoners are human beings who deserve humane consideration and proper treatment. Although the nature of crimes committed by prisoners can be beyond one's perception, nevertheless, the penalties and punishment enforced on prisoners must be within an acceptable level of human rights parameter. The inmates are also human beings, and they are entitled to be treated with dignity and provided with their rights. Generally, the outside world would not know what is going on inside the prisons and the inhumane treatments inflicted on the prisoners. This type of mistreatments has led to increased suffering of the prisoners. The law prevailing in the international community appears to be ineffective in addressing the problems of prisoners efficiently. Otherwise, the enforcement of such laws would have solved many of the mistreatments taking place in prisons today. This paper attempts to examine some of the common complications faced by prisoners and suggests a conceptual frame work of solutions from an Islamic point of view. The article is divided into two parts. The first part deals with the importance of preserving rights

of the prisoners in general, and the second part deals with the various problems of the prisoners, accompanied by proposed solutions.

Respect for Inherent Dignity of Human in Conventional and Islamic Law

There have been systematic laws and regulations in relation to the protection of human rights at the global level. At different times, the International society has legislated numerous laws and regulations with the aim of protecting the rights of prisoners. Nowadays, various international bodies and systems such as United Nations, The International Covenant on Civil and Political Rights (ICCPR) are working on realization at this end. The UN has its own agencies that have initiated a number of programmes in order to protect human rights in general. ICCPR and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Human Rights Library) prohibit torture, cruel, inhuman, or degrading treatment of prisoners without any exception or derogation. In addition to this, rights of prisoners have also been stressed, particularly by the UN. It has published a pocket book for prison officers with the title *Human Rights and Prisons* (2005). Article 10 of the ICCPR, in addition, mandates that “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” It also requires that “the reform and social re-adaptation of prisoners” be an “essential aim” of imprisonment (Human Rights Projects). In Scotland, where penal law is considered highly sophisticated, the first book (McManus) on the rights of prisoners was published in 1995. It illustrates a wide range of rights for the prisoners. Similarly, Article 21 of the constitution of India guarantees “Protection of life and personal liberty; no person shall be deprived of his life or personal liberty except according to procedure established by law.” In new dimension of article 21, The Indian Supreme Court declares, “right to live” does not mean mere confinement of physical existence, but it includes within its ambit the right to live with human dignity (Constitution of India, 2018). However, all these laws and regulations and the various international agencies working for it seem partially successful and partially not.

According to Islamic law, the five essentials are considered as the fundamental rights of human to be preserved by the society or ruler at large. The rights are; the preservation of religion, preservation of life

and honor, preservation of family, preservation of wealth, and protection of intellect. These are the fundamental rights to be protected by society irrespective of their race, religion, and gender (Al-Qur'an, 4:29). The sanctity of life of a human is protected in Islam regardless of if they are a Muslim or a non-Muslim. This law is regarded as a universal principle (Hathout, 2006). In other occasion, the Qur'an exhorts:

Because of this did We ordain unto the children of Israel that if anyone slays a human being, it shall be as though he had slain all mankind; whereas, if anyone saves a life, it shall be as though he had saved the lives of all mankind (Al-Qur'an, 5:32).

One of the fundamental rights of men, in line with this verse is preserving human life. The preservation of life implies not only the security of life from any attack, which causes death but also the protection of life from mental and physical harm such as abuse and torture. The preservation in the form of saving someone from being killed and efforts to avoid being harmed, tortured and persecuted unjustly is also preservation of life (Al-Qur'an, 2:190). Here, the Qur'an strongly exhorts its believers not to transgress the limits even in the context of war. Torturing and abusing or afflicting harm to the prisoners are considered as transgression in the sight of Islamic legal system (*Shari'ah*).

So, the prisoners should not be tortured unjustly. The punishment for the crime of the offenders needs to be within the rubrics of justice. It should not be more and rigorous than the offense the offender actually deserves. This means the punishment should be equal to their crimes. According to the Islamic law (*Shari'ah*), each and every crime committed by a criminal is subject to certain type of punishment. The one who committed a crime should not suffer torturing or abusing more than what the *Shari'ah* prescribed. The Quran exhorts; "Eye for eye, nose for nose, ear for ear, tooth for tooth and for wounds retaliation (Al-Qur'an, 5:45)." The Qur'anic statement clearly demands the equal and just proportioned punishment that does not exceed the limits. This special treatment given to humans is because of the inherent dignity gifted to every human being by Almighty Allah.

Violation and Abuses in the Prisons

Overcrowding

One of the problems the prisoners generally suffer from is overcrowding in jails. Many of the prisons around the globe accommodate prisoners more than its capacity. Prisons are built for the rehabilitation of criminals. The government is responsible for ensuring that prisons are not over crowded. A survey report conducted by Penal Reform International (A US based human rights agency which is working to protect human rights of prisoners) disclosed that there are around 115 countries that have overcrowded prison systems (Overcrowding, Penal Reform International). This issue can lead to a number of consequences. At worst, it can be life-threatening, and at best, it prevents jails from functioning correctly. The problem of overcrowding is not just because of an increase in the number of criminals, but it is also due to delays in prosecution and the trial of the accused individuals.

Following the problem of overcrowding, a number of subsequent problems also emerge in the prisons. For example, overcrowding creates mental suffering of inmates leading to suicides, self-harming, hygienic issues, and unnecessary quarrel among prisoners. Delay in the judiciary system is the master cause of overcrowded prisons, which needs serious attention by the authority. The government can actually eradicate some bureaucratic red tape from the system so that some minor offences can be settled immediately. The government can also prevent the imprisonment of mentally disordered criminals (Box, Steven, and Chris Hale, 1999). In order to alleviate the difficulties of inmates in prisons some measures can be suggested here:

1. A big crowd of prisoners could be divided according to age and type of crime committed. This may reduce the difficulties of overcrowding to a certain extent.
2. The cases of perpetrators who committed minor crimes such as driving issues, drunkenness should not be handled in the criminal justice system. Instead, they should be trialed at magistrates' courts, where their cases can be settled faster and more efficiently. These measures will improve access to justice, speed up judicial procedures, and will reduce high rates of pre-trial detention. This will lessen the crime rates, as well as the number of perpetrators and prisoners.

3. Criminal judiciary courts should accept indictable-only offence cases such as murder, manslaughter, rape, and robbery for which the court can take a reasonable period of time to issue the judgment according to the seriousness of a case. This kind of trial would leave only serious offenders as prisoners.
4. At the same time, the government's crime agency should introduce some strategies for crime prevention and a reduction of crime in cities. Proactive measures, such as patrolling high crime areas, can reduce many possible crimes. It subsequently reduces the chances of having more prisoners.

Maltreatment of Female Inmates

Women inmates are often more vulnerable than their male counterparts in a place like prison, where they are subject to various kinds of abuses due to their physical and biological nature. Females are somehow treated differently by authorities who are supposed to look after their welfare. The authority itself often becomes the predator.

It should be a national government initiative to instruct the Ministry of Justice to provide a proper medical service that can assist women in prisons. A majority of female prisoners do not know the importance of health and mental care when they enter a prison. The female prisoners' mental condition becomes worse when their hardships in prisons increase. Therefore, permanent medical staffs are needed in prisons who can attend to female prisoners (U.S. Report, 2013). Women who are suffering from mental breakdowns, maturational abnormalities, and other problems, particularly for pregnant and lactating mothers need special consideration (*Human Rights and Prisons*, 2005).

Human Rights and Prisons (2005) clearly stated the rights of women prisoners. The document states:

“Women prisoners shall not suffer discrimination and shall be protected from all forms of violence or exploitation.”
 Women prisoners shall be detained separately from male prisoners. Women prisoners shall be supervised and searched only by female officers and staff.”

The *Shari'ah* gives great concern to the issues of women and destitute since they are considered a weak group that deserves more attention and care. The Qur'an upholds certain regulations (Al-Qur'an, 4: 2, 9, 36, 75, 98, 127 & 17: 34) in order to give additional protection and support to

women and children (Rahaie, 2009). This is why the Prophet (Peace Be Upon Him) showed much more concern for women. He occasionally reasserted the need for protecting the rights of women. The women who are in the prisons are not exception to this general rule. They should be treated humanely wherever they are, whoever they are. Even if they are convicted and proved by the court as the offenders, the fundamental rights as human beings in no way should be violated.

Sexual Assault

Among all types of violence, sexual abuses against women are the worst type of violence. Sexual violence may be defined as behaviors that lead to a person to feel that he/she is the target of aggressive intentions. A thorough review and meta-analysis of studies of prison rape concluded that 1.9% of inmates had experienced a complete episode of sexual victimization during their entire period(s) of incarceration (Lockwood, 1980). A survey by the United States Department of Justice showed that 2.1% of prisoners reported inmate-on-inmate victimization, and 2.9% reported staff on-inmate victimization. A study in a juvenile correctional center in South Africa revealed that 29% of inmates had been assaulted, attacked or physically hurt while in the facility. Of the 29%, 7% had been assaulted sexually. A random sample of current prisoners in California illustrated that 4% had experienced sexual violence (rape, other sexual assault) and 59% of transgender prisoners reported that they had been the victim of such experiences. A British study found, by interviewing ex-prisoners, that 1% of prisoners had been sexually coerced into sexual intimacy (Beck AJ & Harrison PM, 2007). Violence and torture against women in prison are 27% higher compared to women in society. Around 25% of prisoners are victimized by violence each year, while 4–5% experience sexual violence abuse, and 1–2% are raped.

Sexual violence on women is common nowadays. It happens not only in prisons but in all the places where women are present. She becomes the object of abuse at workplace, public transport, and even in house. Women are the most vulnerable victims of war, riots, migration and natural calamities. They are brutally abused, tortured and also killed during war and when they are being caught as prisoners. Their condition in prisons are not different. The Prophetic warning given to the companions during the time of war is noteworthy here. When the Prophet (PBUH) appointed the commander of army, he specifically

warned them not to attack innocent women, children and old people (Al-Munajjad, 2018). Women are viewed with great respect in Islam. Her status as woman should be considered even if she is in prison. The victimized woman should be given the protection and courage to report and lodge the complaint against the culprit if she is victimized. Her honor and personality should be protected in any circumstances. The universal values and religious teachings which induce them to respect fellow being especially women need to be taught to prison officers. Such kind of education should be imparted to both prisoners and the security officials. Some special or alternative arrangements for vulnerable groups, such as children, mothers with dependent children, and people with mental health issues should be provided to minimize the deterioration of their health and welfare in prisons (Tewksbury, Richard & Dean Dabney, 2009).

Torturing

Torture is collective violence. It is defined by the severity of the pain, the intentionality, the purpose, and the perpetrator. Carrying out physical or mental pain inflicted intentionally with a specific purpose such as to obtain a confession or to punish is called torture. It leaves severe effects on the body and mind. Punishment during an investigation on pre-trial detainees is more critical, as harsh pain is thought to produce information related to crimes. Extreme torture causes mental illnesses. One particular pain is isolation of detainees. In fact, severe pain and solitary confinement are aimed to extract confessions from detainees, which is not fair. Torture is prohibited according to international law, and there are no circumstances that justify an exception to this prohibition. Nevertheless, according to human rights reports, torture is practiced in about 130 countries and is widespread and systematically used in 80–100 countries (Modvig J, Jaranson J, 2004).

Prisons are meant for rehabilitation and corrective measures of social illnesses of prisoners. According to Principle 5 of the United Nations, Basic Principles for the Treatment of Prisoners:

“Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights.”

Thus, prisoners are entitled to protection against violence such as assault, rape, and torture. Therefore, it is the state authority's responsibility to ensure that inmates in prisons are all taken care of and not tortured (Douglas V. Porpora, Alexander Nikolaev & Julia Hagemann, 2010).

The general rule of Islamic law in this regard is that no one should be treated ill or tortured. Universal Islamic declaration of Human Rights states:

No person shall be subjected to torture in mind or body, or degraded, or threatened with injury either to himself or to anyone related to or held dear by him, or forcibly made to confess to the commission of a crime, or forced to consent to an act which is injurious to his interests (Mahaer Hathout, 2006)."

To be secured from all kinds of abuse and torturing, whether mental or physical is derived from the fundamental human right of a person to live with dignity. Since life is granted by God, no one has the right to inflict harm on it wholly or partially. In Islamic law, it is the state's responsibility to protect the fundamental human rights of its citizens as part of its overall duty to treat its citizens with justice (Mahaer Hathout, 2006). There should be no discrimination between the people who are in prison and outside in the matter of protecting the fundamental rights of humans.

Denial and Delaying of Trial

Another critical area worth mentioning here is the violation of human rights of the accused. The accused may not strictly be the offender always. Among the prisoners some might be innocent. Many have been imprisoned in jail for an extended period without trial in court. The accused have been treated as criminals and, therefore, subjected to torture by jail officials before their offence is proven. The accused should not be considered as an offender or criminal until the accusation against him is proven. "An accusation means that there is a possibility of doubt" as pointed out by Taha Jabir al Alwani (1994). Almost all modern legal system theoretically acknowledges this norm as a basic human right of an individual. For instance, US constitution guarantees this right as the most prominent right (Joffe Federal Defense) that a citizen should be presumed innocent until proven guilty (Al- Alwani, 1994). Primarily the accused has the right for self-defense. The right to defense by the

accused should not be considered as the right of the accused alone, but it should also be understood as the collective responsibility of the society (Al-Alwani, 1994). According to a survey report of the National social watch, a huge percentage of the total prisoners in India are under trials (Arora, 2018). It is not strange in India that many of the prisoners have been behind bars for more than the maximum term of imprisonment in the law (Arora, 2018). BBC reported a strange case of a man in India who had recently been released by the court after a long 50 years of imprisonment due to the absence of trial (Subir Bhaumik).

Islamic law clearly guarantees the rights of the accused, as well. In Islamic law, the accused has the right to free expression without the fear of reprisal. In Islamic law, three fundamental elements should be included in a crime. If any of these elements is lacking, the accused shall not be liable to the punishment (Anwarullah, 1997). In a well-known Prophetic tradition, the Prophet (PBUH) is reported to have said to his companion Ali Ibn Abi Talib who was appointed as the governor of Yemen:

O, Ali! People will come to you asking for judgments. When the two parties to a dispute come to you, do not decide in favour of either party until you have heard all that both parties have to say. Only in this manner will you come to a proper discussion, and only in this way will you come to know the truth (Al-Alwani, 1994).

It is reported that Umar Ibn ‘Abd al-Aziz said to one of his judges:

When a disputant comes to you with an eye put out, do not be quick to rule in his favour. Who knows, may be the other party to the dispute will come to you with both eyes put out (Al-Alwani, 1994).

Any prisoner who is subject to unnecessary torturing by the authority has the right to justice and has the right to approach the court fearlessly and to lodge the complaint against the perpetrators. The equivalent punishment or compensation and the effective enforcement of the law for the sake of victims too will surely deter the crime rates against prisoners. It would not be unreasonable to enforce the same degree of torturing to the offender who abused the prisoner unreasonably. Most often, justice will be realized only through such rigorous measures.

Racial Discrimination

Racial discrimination is part of the violence that most often occurs in prisons. Discussion on this issue was raised when many cases of racial based abuse increased recently in many prisons around the world. A majority of the cases were related to African Americans, Latinos and Asian inmates, who happened to be victims of racial discrimination not only in social environments but also within prisons. There is no doubt that racial issues in prisons exist because there are hundreds of reports by the UN, US Courts, and UK human rights institutions. It was found that colored prisoners were disciplined at a higher rate than whites and in some cases, twice as often. Solitary confinement was used for colored inmates. There are various terminologies that refer to minority perspectives, such as ‘black criminology’ and ‘African American Perspectives’ which also indicates the discrimination in prisons (Philips et al., 2003). Colored inmates are blamed for a majority of more serious crimes; they are also seen to be more disobedient to prison officers. Thus, according to a review in the New York Times (2016), this was the reason behind discrepancies in discipline. In India, majority of prisoners constitute Muslims and lower caste people (The Indian Express). The biased approaches in prison towards the black exist with facilities like access to jobs and educational programs. In the case of getting bail as well, the discrimination exists. Whereas one out of four white prisoners is allowed to get bail, one out of six black prisoners attain parole (Smit et al., 1991).

One of the principles that Islam upholds endlessly is its equality. According to the Qur’an, human beings are created from a single father and mother. All are equal in terms of race and ethnicity.

Prison Labour

The term ‘Hard Labour’ describes the punishment which prisoners have to face. Prisoners are often used as the main work force in quarrying, building roads, or labouring on docks. Criminals could be sentenced for just a few days, weeks or even years. Prisoners are also tasked with hard labour within prisons. Inmates are given jobs and are asked to work while they are serving time in prisons. The prisoners undertake responsibilities in concentration centers to train and change their bad behaviors into good ones. Teaching the prisoners the value of hard work, avoiding the temptation to mischief, and deterring them from committing crimes are

the prime motives behind the practice of assigning labour to prisoners. The works offered to the prisoners are either paid jobs or volunteer jobs. However, in many cases it was found that inmates are not paid. Instead, their labour and skills are being exploited. It was found that the labour hours that the prisoners worked in jail is much more than working hours outside the prisons. Indeed, the prisoners need to work 12 hours a day in the prisons (Smit et al., 1991). Discrimination in the job selection of inmates and their payment is also an issue among prisoners. Black and other minorities would not be called for jobs often, and they are paid less (Cox; Afi, 2009).

Restriction to the Right of Correspondence

Another major area of violation of prisoners' rights is the denial of the right to correspondence with their family, friends, and relatives via letters. There is strict surveillance on each and every letter going through the prison. In general, inmates are free to write letters to anyone by law. They can write to public officials, judges or even officers in prisons. Nevertheless, all the correspondence of the inmates are subject to inspection. Although the sole purpose of inspection and surveillance is due to security reasons, the law is widely misused by security officers and prisoners' rights are denied. If a letter is considered to violate the law or lead to harm, then it will be prevented by the jail warden. Although the prisoners have right to appeal, it remains insufficient. Since 1975, there was an 'Inmate Grievance Procedure,' which was a formal view for letter disputes that could not be resolved informally. There were about 8230 grievances that could not be resolved in 1988. The total volume of correspondence is enormous. The ineffective procedures surrounding letters in prisons have an impact on the communication of prisoners (Cox; Afi, 2009).

Educational Issues

Education is an essential aspect of prison that has to be taken into consideration. After the prisoners have completed their time in prison, they will return to the community. If a rehabilitation scheme was not in place, the prisoners who had been imprisoned due to the crimes would reengage in crimes. A majority of prisons are unable to provide educational and training facilities to the inmates. Nevertheless, many of the jails have started education programs that train inmates. This allows inmates to improve their condition, moral character as well as to acquire

skills that can be useful for their future life when they are released. Notwithstanding the challenges in providing education for prisoners, many authorities have initiated training for their inmates though there are shortcomings (Hawley et al., 2013).

It is noteworthy to mention that some prisons have already proved their success in utilizing the work force of prisoners constructively in prisons by letting the prisoners to engage in most productive areas like production of food items and manufacturing different household stuffs etc. For instance, major prisons in Kerala, India, train the inmates to produce food products like chapatti, papad, chicken curry, etc. The successful story of the food products produced by the prisoners in Kerala, and their supply around the state has been celebrated by the media (*The Hindu*, 2018). The Jail superintendent, Alexander Jacob former Director General of Police of Kerala state is the one who introduced chapatti making in prison. During an interview, he acknowledged his motivation was driven from a practice of Prophet Muhammed (PBUH) (John Brittas Show). It was when some war prisoners had been caught by the Muslim army, and the Prophet (PBUH) appointed the literate prisoners to teach the illiterate Muslim children as part of making use of the human resource in a most positive way. He required the poor but literate prisoners to teach ten Muslim children to read and write (Rebaz R. Khdir, 2017).

Educating prisoners is very important as it will help reduce crime levels in society. A survey by the SPCR (Prisoner Crime Reduction Committee is an official agency functioning under the Ministry of Justice in the United Kingdom to curb the crime rate in the prisons of UK) reassured that crimes occurred as the result of ignorance and impatience. Through imparting proper education, a person will have better control over calling of lower desire (Duncan Stewart, 2008).

Unhealthy Facilities

Prisons are places where inmates suffer mental & physical health issues as well. The record of mental illness among prisoners shows that 64 percent of inmates, 54 percent of state prisoners, and 45 percent of federal prisoners have been reported to have mental health concerns. Furthermore, around 10 to 25 percent of U.S. prisoners undergo severe mental illnesses such as affective disorders or schizophrenia (Pardon Our Interruption, 2014). It is due to indifferent and disinterested

staff who do not see their jobs as humanitarian work (Pardon Our Interruption, 2014). Prison doctors and medical staff are also essential for prison inmates. The staff team with good ethics and behaviors can cure half of the suffering of a patient. Tension and stress forces, in particular women, to fall sick and mentally ill soon after they are imprisoned. In order to alleviate stress, they smoke severely, allowing themselves to develop body malfunctions and hypertension, which leads to cardiovascular diseases. Survey results show that women are at a high risk of developing cardiovascular diseases if precautionary measures are not taken (Plugge et al., 2009).

The sanitation of prisons, as well as prisoners' access to toilet facilities are also unacceptable. Some prisons do not allow inmates to urinate in toilets. Instead, plastic bags are given to them in case they want to urinate. Lighting arrangements are also a challenge for inmates, as poor lighting and sometimes total blackouts cause eye-sight problems as well as unnecessary abuses in the dark by perpetrators. It has been found that up to 40 prisoners had to share two showers and two wash-hand basins and were restricted to one bath each week. During the winter, prisoners had to sleep with their dirty uniforms as there was no heating system (Scraton et al., 1991). According to a study, there are more than 213000 women that need attention to reproductive rights and health care in prisons in the US (Sufrin et al., 2015).

Foods served in prisons also endanger the health of prisoners. The kitchen management and lack of cleanliness of plates and utensils are also one of the reasons inmates get sick. They serve food to prisoners where infection and disease can come into contact with the prisoners. This is why, occasionally, food poisoning has been reported in prisons (Scraton et al., 1991). There is the issue of HIV/AIDS in prisons, especially in the United States. The latter has become a leading cause of death in the US (Tewksbury et al., 2009).

In short, international organizations and judicial systems acknowledge and work for the rights of prisoners.. The supreme court of the United States., as well as the Indian Supreme Court, held that prisoner is a human being, a natural person, and also a legal person. Being a prisoner one does not cease to be a human being, natural person or legal person. A conviction for a crime does not reduce the person into a non-human, whose rights are subject to the whim of the prison

administration, and therefore, the imposition of any major punishment within the prison system is conditional upon the absence of procedural safeguards (Charles Wolff v. McDonnell). However, in protecting the prisoners' right practically the international community in general, has failed to a certain extent.

Conclusions

There is no doubt that prisoners are human beings. Prisoners should receive proper treatment and entitlements as human beings. They have been put in jail because they committed crimes. However, it is the responsibility of the government and judicial system that their rights are not violated. In order to protect their rights, several constructive educational health measures are crucial alongside the laws. The International law & judicial systems, Human rights associations, and Islamic law strongly urge for the preservation of the rights of prisoners. However, their emphasis most of the time is theoretical rather than practical. A preventive measure is to have an independent monitoring system for prisons where authentic reports can reach the outside world. When the message is spread through media and newspapers, people's awareness of the problem will force state authorities to take proper actions. The suggestions put forth in this paper are not final. More practical measures are to be discussed further.

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